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on this 9th day of January, 2007.


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{MJ1061.DOC;1}

Amendments to the Claims

Listing of claims:

1. (Previously Presented) A CD28 peptide mimetic for blocking deleterious T cell mediated immune reaction,

said peptide mimetic being 20 to 25 amino acids in length,

said peptide mimetic comprising levorotary or dextrorotary amino acids,

wherein the peptide mimetic comprises the sequence set forth in SEQ. ID NO: 5 when the peptide mimetic comprises levorotary amino acids; and

wherein the peptide mimetic comprises the sequence set forth in SEQ ID NO: 6 when the peptide mimetic comprises dextrorotary amino acids.

2. (Canceled)

3. (Original) The peptide mimetic of claim 1 wherein the amino and carboxyl ends of the peptide are end blocked.

4. (Previously Presented) The peptide mimetic of claim 1, wherein the binding affinity of the peptide mimetic for the B7-1 protein is from 10 fold greater to 2 fold less than the binding affinity of CD 28 for the B7-1 protein.

5. (Previously Presented) The peptide mimetic of claim 1, wherein the binding affinity of the peptide mimetic for the B7-1 protein is less than the binding affinity of CTLA-4 for the B7-1 protein.

6. (Previously Presented) The peptide mimetic of claim 1, wherein the K_d of the mimetic with respect to B7-1 is from 2 to 3 micromoles.

7-9. (Canceled)

10. (Previously Presented) A CD28 peptide mimetic for blocking deleterious T cell mediated immune reaction, wherein said peptide mimetic is 20 or 21 amino acids in length and comprises levorotary or dextrorotary amino acids, and wherein the peptide mimetic comprises the sequence set forth in SEQ ID NO: 5 when the peptide mimetic comprises levorotary amino acids or the amino acid sequence set forth in SEQ ID NO: 6 when the peptide mimetic comprises dextrorotary amino acids.

11-12. (Canceled)

13. (Previously Presented) The peptide mimetic of claim 10, wherein said peptide mimetic is 20 amino acids in length, and wherein the sequence of said peptide mimetic is SEQ ID NO: 5 or SEQ ID NO: 6.

14-32. (Canceled)

Remarks

This paper is responsive to the Advisory Action mailed January 9, 2007. This paper is timely filed.

Claims 1, 3-6, 10 and 13 are pending, and remain rejected under 35 U.S.C. § 102(a) over Srinivasan et al. (*in* Peptides for the New Millennium, pp. 689-690, 1999). The Office has previously stated that “author R. Wardrop, who is not a co-inventor of the instantly claimed subject matter, was in possession of the claimed peptide analog prior to the filing date of the instant application” and for that reason, “the invention was known or used by others in this country.” Applicant has been “invited by the Office to provide evidence that Mr. Wardrop was not in possession of the claimed invention prior to the filing date of the instant application, or, alternatively, that Mr. Wardrop was under instructions not to disclose the sequence of the claimed peptide analog to others prior to the filing date of the instant application.” (Office Action of 2/14/2006, page 4).

Applicants wish to make it even more clear that the Declaration under 37 C.F.R. § 1.132 filed on December 7, 2006, signed by Dr. Caroline C. Whitacre, one of the named inventors of the present application, in order to provide evidence that Dr. Richard Waldrop was under instructions not to disclose the sequence of the claimed peptide analog to others prior to the filing date of the instant application as requested by the Office is sufficient to overcome the outstanding rejection. The declaration asserts that Dr. Wardrop worked in the laboratory of Dr. Whitacre under her supervision, is not an inventor of the retro inverso peptide analog claimed in the instant application, and that Dr. Wardrop was bound by a confidentiality policy, as well as,

instructed not to discuss particulars concerning the retro inverso peptide analog prior to filing the instant application. Furthermore, Applicants respectfully withdraw the Declaration under 37 C.F.R. § 1.131 filed on May 11, 2006. Applicants respectfully submit that all pending claims are now in condition for allowance and request prompt notification of such.

Interview Summary

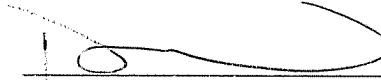
Applicants' representative Diane Dobrea sincerely thanks Examiner Ilia I. Ouspenski for the telephone interview on January 9, 2007. The outstanding rejection and sufficiency of the Declaration under 37 C.F.R. § 1.132 filed on December 7, 2006 to overcome the outstanding rejection were discussed. The Examiner agreed to favorably re-consider the 132 Declaration if Applicants withdraw the Declaration under 37 C.F.R. § 1.131 filed on May 11, 2006. Furthermore, the Examiner agreed to attempt to schedule an allowability/patentability conference with his supervisor on January 10, 2007, thus issuing a Notice of Allowance in the instant application prior to the end of the statutory deadline of January 10, 2007. The Examiner also agreed to inform Applicants if he is unable to schedule an allowability/patentability conference with his supervisor on January 10, 2007 so that Applicants may file a Request for Continued Examination in a timely manner.

It is believed that there is no fee or no additional fee associated with the filing and consideration of this document, however, should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering or considering this document to deposit account number 03-0172.

Application No. 09/990,574
Attorney Docket No. 18525/04028
Supplemental Response to Advisory Action

Respectfully submitted,

Date: January 9, 2007



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First Named Inventor/Applicant Name:	Pravin T.P. Kaumaya
Customer Number:	24024
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1		mj1063.pdf	213418	yes	6

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Supplemental Response or Supplemental Amendment	1	1
	Claims	2	3
	Applicant Arguments/Remarks Made in an Amendment	4	6
Warnings:			
Information:			
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<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p>			